

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 2
JUDGE LOUISE DeCARL ADLER, PRESIDING
THURSDAY, MARCH 19, 2015

11:00 AM

1 - 13-11224-LA Ch 11 JOSEPH PHILIP AFSHARI

- 1) DEBTOR'S APPROVAL OF FOURTH AMENDED DISCLOSURE STATEMENT
FILED BY GUSTAVO E. BRAVO (Fr 2/26/15)

Tentative Ruling: REVISED TENTATIVE RULING

Court has reviewed timely-filed Objection of Superior Bank to the adequacy of the Disclosure Statement and finds allegations therein of concern. Court vacates earlier tentative ruling approving Fourth Amended D.S.

Counsel for debtor should be prepared to discuss why a Ch. 11 trustee should not be appointed, given allegations of diversion of funds from this estate, unauthorized occupancy of estate property, etc.

- 2) ORDER RE: CHAPTER 11 PETITION 1) SETTING STATUS CONFERENCE;
2) SETTING COMPLIANCE DEADLINES; AND 3) SETTING SANCTIONS, IF
APPROPRIATE, INCLUDING DISMISSAL, CONVERSION OR APPOINTMENT
OF A CHAPTER 11 TRUSTEE OR EXAMINER BECAUSE OF
NON-COMPLIANCE WITH ABOVE REFERENCE REQUIREMENTS (Fr
2/26/15)
- 3) PRE-TRIAL HEARING RE: SUPERIOR BANK'S MOTION FOR RELIEF FROM
STAY, RS # TBG-1 FILED BY THOMAS B. GORRILL
- 4) PRE-TRIAL HEARING RE: SUPERIOR BANK'S MOTION FOR RELIEF FROM
STAY, RS # TBG-2 FILED BY THOMAS B. GORRILL ON BEHALF OF
SUPERIOR BANK

ATTORNEY: GUSTAVO E. BRAVO (JOSEPH PHILIP AFSHARI)

02:00 PM

1 - 13-06008-LA Ch 13 JEROLD LEROY & DOREEN SNOW MCCRAY

MOTION FOR RELIEF FROM STAY, RS # JCW-1 .00 FILED BY JENNIFER C. WONG ON BEHALF OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-5

Tentative Ruling: If parties manage to agree on an APO in advance of this hearing, please notify the courtroom deputy and appearances will be excused. In that event, counsel for debtor will be awarded the guideline fee for defense of a r.p. stay relief motion.

ATTORNEY: THOMAS F. MILES (DOREEN SNOW MCCRAY, JEROLD LEROY MCCRAY)

2 - 12-15649-LA Ch 7 JOEL & MARYZELLA JUAREZ URIBE

ADV: 13-90094 KARLA ESPINOZA v. JOEL JUAREZ URIBE & MARYZELLA JUAREZ

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION RE JOEL JUAREZ URIBE (Fr 2/26/15)

ATTORNEY: JAMES E. MCELROY (KARLA ESPINOZA)
ATTORNEY: LORI R. MENDEZ (KARLA ESPINOZA)

3 - 13-01999-LA Ch 7 BETTY D. WARD

TRUSTEE'S MOTION TO APPROVE SETTLEMENT OF DISPUTE WITH DEBTOR, BLAIR E. WARD, NEWPORT PLACE, LLC, ET AL FILED BY ROBERTA S. ROBINSON ON BEHALF OF LEONARD J. ACKERMAN.

Tentative Ruling: Motion to Approve Settlement **DENIED**. Court is not convinced trustee has tried hard enough to maximize recovery to unsecured creditors in light of available assets. First, debtor owes the estate \$9900 in post-petition income. Likely, it is even more if the trustee is collecting the distributions attributable to her interest in Newport Place Apartments (see below). Second, debtor is owed \$55K on an undisclosed loan made to Newport Place LLC ("LLC"). Third, debtor has historically received substantial amounts of distributions (pursuant to K-1's issued in 2010-2012, between \$30.5K-\$45K annually) for her undisclosed interest in Newport Place Apartments. Fourth, she and/or her revocable trust, hold at least a 40% interest (or perhaps a 50% interest) in the LLC which, in turn, owns a building having approximately \$400K in equity. For these interests, trustee is asking this Court to approve a settlement for a mere \$32K payable over a one year period which will result in a 10% pay out to unsecured creditors only after counsel agrees to reduce its fees.

Trustee has submitted no evidence of his attempt to market the debtor's LLC interest to other purported LLC limited partners (who appear to be debtor's relatives) or on the trustee's national website. Given the valuable nature of the property and the apparently profitable business run thereon (Court has viewed the website referred to in Trustee's pleadings), it is likely some adventuresome investor would be prepared to bid on debtor's interest in an amount greater than \$32K.

ATTORNEY: VINCENT RENDA (BETTY D. WARD)

02:00 PM

4 - 14-09430-LA Ch 7 ADMIRAL HOUSING CORP

TRUSTEE'S PROPOSED ABANDONMENT OF PROPERTY FILED BY CHRISTOPHER BARCLAY ON BEHALF OF CHRISTOPHER BARCLAY.

ATTORNEY: TODD PEARSALL (ADMIRAL HOUSING CORP)

5 - 15-00012-LA Ch 7 LISA MICHELLE MARQUEZ

MOTION FOR RELIEF FROM STAY, RS # JHK-1 FILED BY JOHN H. KIM ON BEHALF OF WELLS FARGO AUTO FINANCE

Tentative Ruling: Motion for Relief from Stay **GRANTED**. Debtor claims she is intending to reaffirm this debt, however, she has not maintained her post-petition payments current (she is 2 months delinquent). Additionally, she is pre-petition delinquent for 2 payments. Court would not likely approve reaffirmation where there is pre-petition delinquency that is not subject to some form of forbearance agreement with the lender. As this vehicle has very little equity and debtor is not making payments, there is no adequate protection.

6 - 11-02931-LA Ch 7 ALAN W. HITCHENS

APPLICATION FOR FINAL PROFESSIONAL COMPENSATION FOR RANDALL HORTON, ACCOUNTANT, PERIOD: 12/18/2014 TO 2/6/2015, FEE: \$ 1400.00,

Tentative Ruling: Court has reviewed First and Final Application for Compensation and Expense Reimbursement filed by accountant for the Ch. 7 trustee and finds services necessary and charges for same reasonable. Court awards amounts requested in full.

As this application is unopposed, Mr. Horton is excused from attending this hearing and may submit an order forthwith.

ATTORNEY: R. CREIG GREAVES (ALAN W. HITCHENS)

7 - 14-09566-LA Ch 7 KENNETH E HILL

TRUSTEE'S MOTION TO RECONSIDER WAIVER OF CHAPTER 7 FILING FEE FILED BY RONALD E. STADTMUELLER

Tentative Ruling: Trustee's Motion to Reconsider Fee Waiver **GRANTED**. Court agrees that she must have entered the order in error (perhaps by transposing the HHS guidelines with the debtor's income) as it was clearly indicated that he was ineligible for a fee waiver even before he surrendered the vehicle.

Debtor to pay filing fee with 14 days of entry of an order on this motion (or such other time as Trustee finds appropriate, given debtor's current circumstances).

As this motion was not opposed, Trustee is excused from attending this hearing and may submit an order forthwith.

02:30 PM

1 - 14-02625-LA Ch 11 IGLESIA MONTE DE LOS OLIVOS, INC.

ORDER RE: CHAPTER 11 PETITION 1) SETTING STATUS CONFERENCE; 2) SETTING COMPLIANCE DEADLINES; AND 3) SETTLING SANCTIONS, IF APPROPRIATE, INCLUDING DISMISSAL, CONVERSION OR APPOINTMENT OF A CHAPTER 11 TRUSTEE OR EXAMINER BECAUSE OF NONCOMPLISNVR WITH ABOVE REQUIREMENTS (Fr 2/5/15)

ATTORNEY: DIANE H. GIBSON (IGLESIA MONTE DE LOS OLIVOS, INC.)

2 - 15-00361-LA Ch 11 DUBLIN SQUARE AUTHENTIC IRISH PUB & GRILL, LLC

ORDER RE: CHAPTER 11 PETITION 1) SETTING STATUS CONFERENCE; 2) SETTING COMPLIANCE DEADLINES; AND 3) SETTLING SANCTIONS, IF APPROPRIATE, INCLUDING DISMISSAL, CONVERSION OR APPOINTMENT OF A CHAPTER 11 TRUSTEE OR EXAMINER BECAUSE OF NONCOMPLISNVR WITH ABOVE REQUIREMENTS

ATTORNEY: JOHN L. SMAHA (DUBLIN SQUARE AUTHENTIC IRISH PUB & GRIL)

ATTORNEY: GUSTAVO E. BRAVO (DUBLIN SQUARE AUTHENTIC IRISH PUB & GRIL)